HONOURABLE SRI JUSTICE P. S. NARAYANA

WRIT PETITION No.22306 OF 2006

DATE: 30-10-2006

Between:

Swarna Sambasiva Rao, S/o. Hanumantha Rao,
aged 45 years, Occ: Business, R/o.2nd line,
Nehru Nagar, Guntur, Guntur District & others

.. Petitioner

AND

The Municipal Corporation of Guntur
Rep. by its Commissioner, Guntur,
Guntur District & another

.. Respondents

ORDER:

The matter is coming up for admission.

Sri B. Venkataratnam, learned standing counsel, takes notice on behalf of respondent No.1 and Smt. K. Aruna, learned standing counsel for Visakhapatnam Guntur Tenali Mangalagiri Urban Development Authority, takes notice on behalf of respondent No.2.

Heard the learned counsel on record.

The Writ Petition is filed for Writ of *Mandamus* declaring the action of the respondents in trying to interfere with the construction of the petitioners situated at D.No.9-11-62, Assessment No.15037/DS, Kothapet, Guntur, Guntur District and to evict the petitioners without issuing any notice and without

following due process, as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India apart from being violative of principles of natural justice and pass suitable orders.

It is stated that the writ petitioners are absolute owners and possessors of the house property having Municipal Door No.9-11-62, Assessment no.15037/DS situated at Block No.4, Old Ward No.5, New Ward no.7, Rasoolpet area, Ktohapet, Guntur in an extent of 1277 of 4020 sq.ft. in
T.S. Nos.232, 233 and 899 having purchased the same from their vendors through a registered sale deed dated
19-11-2005. It is also stated that the petitioners submitted plans to respondent No.1 seeking permission for construction of a residential building consisting of ground, first, second and third floors in the said plot. The said proposals were forwarded by respondent No.1 to respondent No.2 under the provisions of Zoning Regulations approved in their proceedings D.Dis.No.E2/394/05&B.P.No.139/05/GNT dated 02-12-2005 and respondent No.1 by proceedings
R.A. No.723/2005/G3 dated 08-12-2005 granted permission for construction subject to the conditions.

It is further stated that as per the permission of the approval referred supra, the petitioners started construction in the house plots and the constructions are in progress. While the matter stood thus at about 11-00 a.m. on
16-09-2006, the staff of respondent Nos.1 and 2, about ten in number, came to the premises where the construction is going and tried to interfere with the construction without issuing any notice

and without assigning any reasons. Several other factual details are also narrated in the affidavit filed in support of the writ petition.

In the facts and circumstances, it is needless to say that the respondents are bound to follow the procedure before initiating any such action. In view of the same, the respondents are directed not to interfere with the construction activity if the same is in accordance with the permission said to have already been approved, unless and until the respondents follow the due process of law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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P. S. NARAYANA, J

Date:30-10-2006.

PV